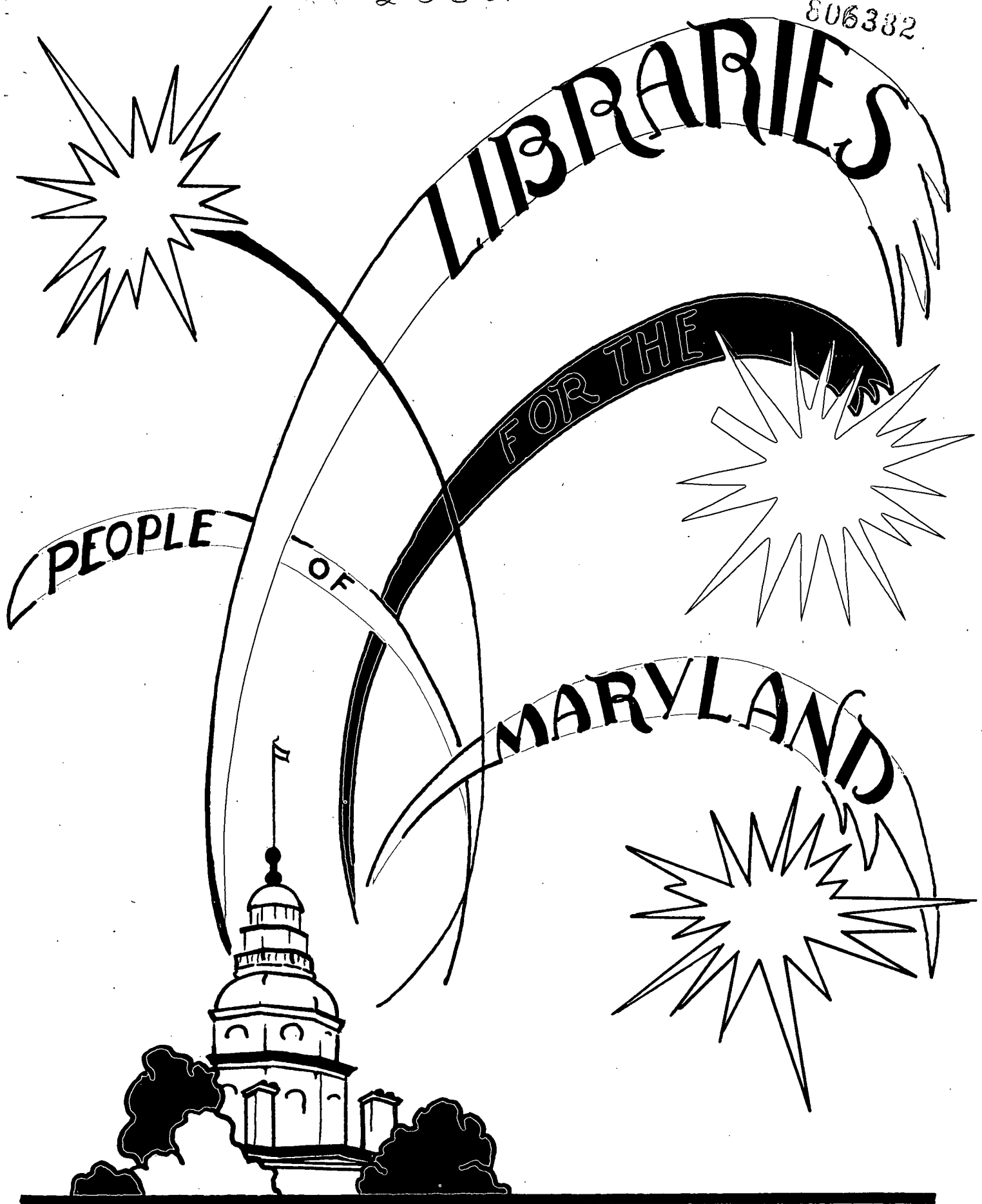


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**LIBRARIES
FOR
THE PEOPLE OF MARYLAND**

**REPORT
OF
THE
COMMISSION
ON
THE PUBLIC LIBRARY LAWS**

1. The first part of the report is a general introduction to the subject of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

5. The fifth part of the report is a list of appendices.

6. The sixth part of the report is a list of figures.

7. The seventh part of the report is a list of tables.

8. The eighth part of the report is a list of abbreviations.

9. The ninth part of the report is a list of symbols.

10. The tenth part of the report is a list of footnotes.

11. The eleventh part of the report is a list of references.

12. The twelfth part of the report is a list of appendices.

13. The thirteenth part of the report is a list of figures.

14. The fourteenth part of the report is a list of tables.

15. The fifteenth part of the report is a list of abbreviations.

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MISS ELOISE H. WILSON

STATE OF MARYLAND



COMMISSION
ON THE
PUBLIC LIBRARY LAWS

August 12, 1970

JEROME W. COX, *Counsel*

TO HIS EXCELLENCY
MARVIN H. MANDEL
Governor of Maryland

TO THE HONORABLE
THE GENERAL ASSEMBLY OF MARYLAND

We respectfully submit the following report of the Commission on the Public Library Laws appointed by Governor Spiro T. Agnew in October of 1968 pursuant to House Joint Resolution No. 43 of the 1968 Session of the General Assembly for the purpose of reviewing and preparing recommendations for the revision of the laws pertaining to public libraries found in Article 77 of the Annotated Code of Maryland.

We wish to extend our appreciation and thanks to Mr. George Burnett, Jr. of the Governor's staff for his cooperation and assistance. We are particularly grateful to Delegates Ann R. Hull and Richard Grumbacher; Dr. Paul Cooper and Mr. William S. Ratchford, III, of the Maryland Department of Fiscal Services; Mr. John A. Donaho, Management Consultant, Baltimore; Dr. Laszlo Ecker-Racz, Senior Fellow, Washington Center for Metropolitan Studies; Mr. Mark Levine, Director of Correctional Program Planning, Maryland Department of Correctional Services; Dr. William Paul Walker, Professor, College of Economics, University of Maryland; Mr. Lewis C. Wilson, Specialist, Institutional Library Services, Division of Library Development and Services; the administrators of public libraries; and the library trustees of the public libraries for their information and advice upon which the Commission based many of its recommendations.

The Commission also extends its thanks to Dr. Carl N. Everstine, of the Maryland Department of Legislative Reference who provided, through his office, secretarial staffing and the legal services of Jerome W. Cox. The Commission appreciates the fine secretarial performance of Marjorie D. Clayton and Margaret Gould.

The Commission is especially indebted to Jerome W. Cox, its Counsel, for the high quality of the service and assistance he rendered by his participation in discussions and the preparation of this report and the recommended legislation.

Respectfully submitted,

/S/ PAULINE H. MENES
PAULINE H. MENES, *Chairwoman*

PHM:mg

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ON THE
PUBLIC LIBRARY LAWS

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1. The first part of the report deals with the general situation of the country and the progress of the work of the Commission. It is a summary of the work done during the year and is intended to give a general impression of the progress of the work.

2. The second part of the report deals with the work of the Commission in the various fields of its activity. It is a detailed account of the work done in each of the fields and is intended to give a detailed impression of the progress of the work.

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REPORT OF THE COMMISSION ON THE PUBLIC LIBRARY LAWS

A Brief Review of Public Library Development in Maryland—Past and Present

Public libraries, as early as the 1870's, aroused sufficient interest in Maryland for the enactment of library legislation. One of the earliest steps of the General Assembly for the promotion of libraries was the provision for the creation of libraries in each schoolhouse district and an annual appropriation of \$10.00 per annum as long as the citizens of each district provided matching amounts. The General Assembly was seeking by 1902 some statewide administration, coordination, and planning for libraries by the creation of the Maryland Library Commission. However, prospects for the type of public libraries of the modern era were not significantly brightened until 1945 when the General Assembly provided for the establishment of a statewide system of public libraries in the Public Library Law of 1945. This law replaced the existing Maryland Public Library Commission with the Division of Library Extension of the State Department of Education.¹ The Division of Library Extension, subject to the control, direction and approval of the State Department of Education, was entrusted with (1) the development of a statewide public library and school library service, (2) provision of a direct service of books, pamphlets, clippings and materials to individuals, groups and schools, (3) establishment of standards for public libraries, and (4) rendering professional advice and assistance to all public libraries of the State. Under the leadership of the Division of Library Extension, all counties and the City of Baltimore elected to establish a local public library system.

The Public Library Act provided for the appointment of a board of library trustees to be the local library agency in each political subdivision.

The Public Library Act also provided State aid for the purchase of books. Successive amendments to the law in 1953, 1962 and 1966 have increased State financial assistance to the point where \$1.80 per capita is provided according to a formula of equalization whereby each local political subdivision is required to make the same effort in raising local matching funds.²

Since 1945 public libraries, individually and through the Division of Library Extension, in being responsive to the needs of Maryland citizens, have had to meet constant new forces and demands. These include:

- (1) greater emphasis on equal educational opportunity for all citizens of the State;
- (2) more widespread and more sophisticated educational and informational needs, resulting in more general use of library facilities and requiring a higher degree of coordination of specialized resources;
- (3) the exponential proliferation of knowledge itself, making it impossible for any library to maintain or service comprehensive collections in more than a very few subject interests;
- (4) the increased mobility of people, resulting in more crossing of local governmental boundary lines for services of all kinds;
- (5) the necessity to participate in more federal grant programs;
- (6) the growing importance and recognition of research, innovation, and experimentation;
- (7) the increasing dependence on sophisticated and expensive equipment and techniques which are not economically feasible for small units of government;
- (8) the growing recognition of wide differences in the ability of localities to support quality library service.

¹The Division of Library Extension was renamed the Division of Library Development and Services in 1969.

²These developments are recorded in the 1968 Report of the Maryland School Law Revision Commission.

These increasing forces and demands, recognized in the report of S. Gilbert Prentis, a professional consultant on the operations of government agencies, constituted the background upon which Mr. Prentis recommended in 1967 the appointment of a Commission to review the total public library situation in Maryland; the General Assembly enacted House Joint Resolution No. 43 in 1968; and the Commission began its task on October 23, 1968.

The Commission's Responsibility

The Commission was charged by House Joint Resolution No. 43 of the 1968 Legislative Session of the Maryland General Assembly to comprehensively study the current and emerging library needs of the public library systems throughout the State and, in particular, to more clearly delineate the respective responsibilities of the State and the local political subdivisions in an attempt to strengthen the statewide system of public libraries. The Commission was instructed by the Resolution of the need for new approaches to library and information resources and services caused by increased and new developments in information, education attainment, communication and technology. The Commission interpreted its task to include a general review of all existing library laws and practices as a basis for a revision of them consistent with the present and foreseeable needs of the statewide system of public libraries which from its establishment has received the continued attention and support of the General Assembly.

The Present Role of Libraries

The Commission determined in its statement of purposes and objectives, reflective of the current and foreseeable operations of libraries, that "Public library resources and services are essential components of the educational system, stimulate awareness and understanding of critical social issues and problems, and assist individuals in reaching their highest potential for self-development." The Commission further considered that "Adequate library services are deemed to be necessary to . . . cultural, educational and economic development . . . and to the health, safety and welfare of . . . people." Consequently, the Commission concluded that "It shall be the policy of the State of Maryland, in collaboration with the counties and Baltimore City to promote, support and implement the development and maintenance of adequate public and specialized library facilities and services throughout the State in whatever form and by whatever means may be most beneficial and feasible." The Commission recommended that this policy should be specifically implemented by encouragement and support for the "development of coordinated programs and services with other libraries and institutions that will provide the widest possible access to the library and information resources of the State and assure more effective and economical services to all library users."

Total Library Development

The Commission considers that the best possible development of the statewide system of libraries requires centralization of the leadership, coordination, planning, and evaluation functions with a clear delineation of the responsibilities of each agency having responsibility for any of these functions. These functions are being commendably handled by the Division of Library Development and Services. The Commission believes, however, that, regardless of the necessary centralization of these functions in the Division of Library Development and Services, which is primarily responsible for leadership and the day-to-day and overall operations of all public libraries in the statewide system, the best planned and most efficiently operated statewide system would result by having an advisory agency, in consultation with the Division of Library Development and Services, engaged in policy formulation.

The Maryland Advisory Council on Libraries

The Commission recommends the creation of the Maryland Advisory Council on Libraries to be the other policy formulation body and to gather information on library needs and to formulate policy and long-range plans for the total statewide system.

The membership of the Advisory Council would include the President of the Council on Higher Education, the President of the Enoch Pratt Free Library Board of Trustees, the President of the Maryland Library Association, the Dean of the School of Library and Information Services of the University of Maryland, or their designated representatives, and seven other members at least two of which would be professional librarians and another two would be library trustees. The Division of Library Development and Services would cooperate with the Commission and provide staff personnel.

The Advisory Council would advise, not only the Division of Library Development and Services, but also the State Superintendent of Schools, the State Board of Education and the Governor of the best ways to fill the needs of the statewide library system.

The Commission considers that the recommendations of the Advisory Council, obtained pursuant to regular reviews of the laws applicable to and practices in the statewide system of libraries, would significantly contribute to the continued strengthening of the statewide system of libraries.

The State Library Agency

The Commission realized, in its deliberations on the role of the Division of Library Development and Services, that leadership of the entire statewide system of public libraries involves a considerably different function now than in the early years under the Public Library Law. In those years, the Division had to make a major effort to assist untrained librarians extend and improve library service in rural communities. Today, frequently in large metropolitan libraries, which have replaced many of the original small rural libraries, the Division works closely with very competent public, university and other librarians as well as with leaders in government and all other professions and industries.

The fact that the State Library Agency is the only State agency having regular contact with and any legal responsibility for the total library enterprise in the State dictates that it initiate and exercise the primary leadership of the total library effort. Its failure to assume a leadership function would result in a domination of an ever-developing statewide system by whichever part of the library interest was momentarily strongest, a lack of the proper balance in the statewide program, and an encouragement of competition and dissention among the various library interests.

The Commission concluded, subsequent to its familiarization with the proper role of the State Library Agency and its existing powers and duties, that the following powers and duties, which are different from or not clearly defined in the existing powers and duties, should be expressly granted to the Division of Library Development and Services to permit it to exercise the necessary leadership for new types and areas of library services:

(1) "To provide through contractual and other arrangements for an adequate resource of books and other specialized materials to supplement the resources of libraries in the State."

Present law provides that the Division has the power and duty "to provide a direct service of books, pamphlets, clippings, and visual materials, and guidance in their use, to individuals, groups and schools" and "to provide a supplementary service of books, pamphlets, clippings, reading courses and visual materials for the libraries of this State." These functions were performed through a lending library located in the Enoch Pratt Free Library in Baltimore. In 1960, the Division terminated its lending library, distributed those resources to local library systems, and made more practical arrangements to supplement the resources of the individual library systems. The new language referring to "contractual and other arrangements" would make the law consistent with the present practices of the Division in supplementing resources of libraries throughout the State.

(2) "To provide specialized library service to the visually and/or otherwise physically handicapped persons throughout the State, and to develop such other specialized library services as may be desirable."

Maryland has many citizens whose activities are restricted by physical limitations and are confined in hospitals, asylums, rest homes, and other institutions whether on a temporary or permanent

basis. The welfare and rehabilitation of many of these people is in no small way dependent upon their access to library services. The Division and several cooperating libraries have begun very promising programs to bring library services to the many people unable to use the regular services of the local library systems. The Commission lists this power and duty to enable the Division to continue its leadership in specialized library services and to have these services provided on a professional basis in accordance with a comprehensive plan to avoid duplication of effort.

(3) "To render upon request, advice and assistance for the establishment, operation and coordination of libraries at State institutions and agencies."

The Division has rendered considerable advice and assistance in the past few years to State institutions and agencies which have or are establishing and operating their own libraries. The Division's advice and assistance has been especially commended by the Department of Correctional Services. The Commission received positive evidence to indicate that library services are particularly applicable and significantly contribute to the welfare and rehabilitation of inmates. Nevertheless, the Commission is confident that more State institutions and agencies will need and seek the expertise of the Division to establish or improve their libraries which are increasingly important and need specialized administration for proper operation.

(4) "To establish a program for the distribution of State publications to appropriate libraries within the State."

The absence of a complete collection of State publications and a method for distribution of them have been of increased importance in recent years to several State agencies. State agencies, without exception, are required by Article 40, Section 54 of the Maryland Annotated Code to submit two copies of all their publications to the Department of Legislative Reference in Annapolis. However, too many State agencies have failed to comply with this requirement. Their failures have caused situations where the Department of Legislative Reference frequently learns about a particular publication only upon a request for it from another agency or member of the public.

The 1969 Legislative Council of the General Assembly considered some of the problems connected with the publication, distribution and storage of the rules and regulations of State agencies, particularly in regard to their being retained in the Circuit Courts. The action on the matter involved the courts, State agencies, the Secretary of State's office, and the Legislature. The administrative solution by the Secretary of State's office provides that these materials will be uniform in their printing, indexing, and other matters pertaining to their publication. There is no certainty that this problem has been satisfactorily resolved for the future.

These two examples, among the many which could be cited, evidence that the need for a better program to collect and distribute State publications continues. The Commission is aware of the immensity of the undertaking necessary to properly perform this function and the need for early action. The Commission recommends, therefore, that the Division formulate and implement a program, which might be at least partially self-supporting, and could otherwise be funded as provided annually by the General Assembly, for the collection and distribution of State publications.

The State Resource Center

Centralization into one library of certain information, books and resource materials not available locally is essential to meet the needs for those materials throughout the State. In 1960, the Division initiated contracts with the Enoch Pratt Free Library for that institution to operate as a State inter-library loan center. The contracts provide that Pratt, upon a request from any part of the State, shall directly forward to the local libraries materials otherwise unavailable.

In addition, and of particular concern to the Commission, Pratt Central Library directly services Maryland citizens, not residents of Baltimore City, to the extent that they comprise approximately thirty seven percent (37%) of those using its facilities. However, even though non-residents of Baltimore City comprise more than one-third of the users of Pratt Central, Pratt Central receives no compensation from the State for this service.

The reservoir of specialized materials at the Pratt Central Library for its resource center functions is such an important and integrated aspect of local library service that the library capabilities to meet the needs of citizens in each and all library systems would be of a much inferior quality without it. Local administrators concede that it is imperative that the Enoch Pratt Free Library, the most central and strongest library, and the most logical choice for the state resource center,³ continue those functions if local libraries are to meet the increasing needs for specialized materials by citizens in their areas.

Presently, the Enoch Pratt Free Library receives no compensation for this service from the State, but is able to defray some of the cost of these services through its contract with the Division. However, due to increasing costs which cannot be met through the appropriations of the Mayor and City Council of Baltimore, the Commission recommends legislation to provide for the annual funding of the state resource center with an amount based on fifty per cent of the operating costs incurred to provide the services for the whole State beyond the cost of these services supported by the current expense program in proposed Section 176. Annual funding by the State will assure that one of the best reference collections in the Nation will always be available to all Marylanders.

The Regional Resource Centers

Throughout the 1950's and 1960's, a very discernible and consistent trend has existed in the national public library standards, which has been reflected in public library development in many states, toward the development of library systems serving from 100,000 to 200,000 people through the cooperation of independent city or county libraries. The major emphasis in this development has been on the establishment of a strong central library. Constantly, in the past twenty years, consultants and study committees on library needs in Maryland have recognized the need for these centers in the less populous areas of the State to provide equal library opportunities to all citizens. This recognition is consistent with the education equalization principle that "In a highly mobile society, the State cannot permit extreme differences in the quantity or quality of education (including library services) which is provided for its citizens."⁴

Notwithstanding very definite advances made in the last twenty years in the quality of library service in each county and throughout the State, many counties will not be able with their present or potential population and library resources to reach independently a desirable standard of adequacy for strong and centralized library resources. The Commission concludes that the single county basis for library development may be very inappropriate in areas of Western Maryland, Southern Maryland, and the Eastern Shore. The Commission notes that coordinated and shared library services among the three levels—State, regional and local—are the most effective and economical means of adequate statewide public library service. The Commission prepared legislation for the operation and funding of the regional resource centers to provide an intermediate level of library service in the aforementioned regions necessary to:

- (1) to supplement reference and information services of the county libraries;
- (2) to supply collections and exhibits of timely and specialized materials on a rotating or a special loan basis;
- (3) to provide consultant service to libraries in the area on materials and services for adults, children, and young people and in special fields such as reference, discussion groups and storytelling;
- (4) to organize programs for in-service training for staff members of all the county libraries in the area;

³The suitability of Pratt Central for being the state resource center derives in part from its geographic location, in Baltimore, in the center of the State. However, it is also based on both its number of volumes and the percentage of reference materials among those volumes. The conclusion that Pratt Central should be the state resource center is indicated by a statewide comparison of the number of volumes and the percentage of reference materials among those volumes in all public libraries which is graphically illustrated on page 8 of this report.

⁴Report of the School Law Revision Commission, p. 8.

- (5) to develop, by contract between the county libraries, such cooperative services including centralized processing, public relations and film circuits;
- (6) to provide information for the public about library services.⁵

Each board of trustees of a participating library shall select two persons to represent its library on the board of advisors of the regional resource center.

County library policies would continue to be determined by the county library board of trustees and the service administered by the county library administrator.

The regional resource centers would be administered by the administrator of the library designated as the regional resource center. Policies and procedures would be determined by the board of trustees of the library designated as the regional resource center pursuant to recommendations of the board of advisors of the regional resource center.

The Commission recommends that the regional resource centers be totally funded by the State for three reasons:

- (1) The regional resource centers are an extension of the equalization principle and provide services that will be beneficial statewide;
- (2) The regional resource center program will not be a significant burden on the State; and
- (3) The benefits for the entire State to be derived from the regional resource centers should not be risked to the possible lack of funding of small amounts from each of the three or more counties that could be participating members in the regional resource center.

Metropolitan Cooperative Services Programs

Baltimore City and those counties in the metropolitan areas of the State have developed library systems to serve one hundred thousand or more citizens. The average quality in these systems has improved greatly in recent years through increased appropriations, better facilities and equipment, and larger and better trained staffs. Nevertheless, there is room for improvement.

Cooperative programs provide these large systems, and generally, the smaller ones as in the case of regional resource centers, with the most opportunity for improvement of their own systems for the least expenditure of time and funds.

Their validity has already been proven in the systems of the metropolitan areas in projects including the more routine publication of reading lists, catalogues, and pamphlets, but also in an interesting experiment to determine the feasibility of mass use of paperbacks which had doubtful popularity, which were easier to handle, could have made for significantly speedier service, and could have been more economical than hardbacks, even though more were damaged or destroyed, in that their replacement costs were less.

The Commission considers that cooperative efforts will continue to provide the most economical and sound method to resolve many problems of library administration in the larger metropolitan systems, such as whether the application of automation to certain library functions now carried on by individual libraries could be administered better and more economically by centralized computer installations. The Commission also considers that cooperative programs will provide the best means by which the large systems can render many direct services to their users. Therefore, the Commission recommends legislation to legalize cooperative service programs among the library systems in the metropolitan regions

⁵These proposed functions of the regional resource center were described in the 1960 Report of the Committee on Area Libraries appointed by the State Superintendent of Schools. The relationship of the regional resource centers to the State Resource Center and the local libraries is illustrated in the diagram entitled "Proposed Activities and Functions of Levels of Public Library Service" on page 9 of this report.

of the State⁶ and to fund those programs (1) whose need can be adequately established, (2) whose budget requests would be reviewed by and subject to the approval of the State Board of Education, and (3) whose administration would conform with the standards and criteria of the State Department of Education. The Commission concludes that the foregoing requirements upon the cooperative services programs would assure their necessity prior to establishment and that they would have proper administration and coordination with the total development and operation of the statewide system of public libraries.

The Local Library Systems

The growing importance of local library systems in Maryland is attested by the new dimensions of library facilities, staffs, resources and budgets. Generally, bigger, better and more numerous libraries are being constructed than it was thought possible by many professionals a few years ago. The new dynamism of local libraries has resulted in a closer examination of all their operations, not only by professional librarians, educators and public administrators, but by the general public including civic associations, labor organizations and those primarily responsible for all the interest of the general public: elected officials. Their examination in analyzing operations has focused on the control of local libraries.

The Control of Local Libraries

Administrators, Boards of Trustees and Governing Bodies

The control of a local library system involves a three-party relationship among the library administration, the boards of trustees and the local governing body. The need for a clear delineation of the powers and duties of each of the three parties in this relationship was one of the primary motivations for the formation of the Commission. The need for this delineation was reflected in House Bill 855, introduced in the 1967 Session, and the Governor's veto message of that proposed legislation which cited a need for a uniformed statutory policy to establish guidelines for the preservation of the high standards of operation existing in the statewide system.

Administrators

The relationships between the administrators and the boards of trustees and the administrators and governing bodies has been generally satisfactory under existing law. However, the present law does not describe with sufficient precision what should be the exact nature of the relationship between the boards of trustees and governing bodies and has been of considerable concern to both boards of trustees and governing bodies.

Boards of Trustees and Governing Bodies

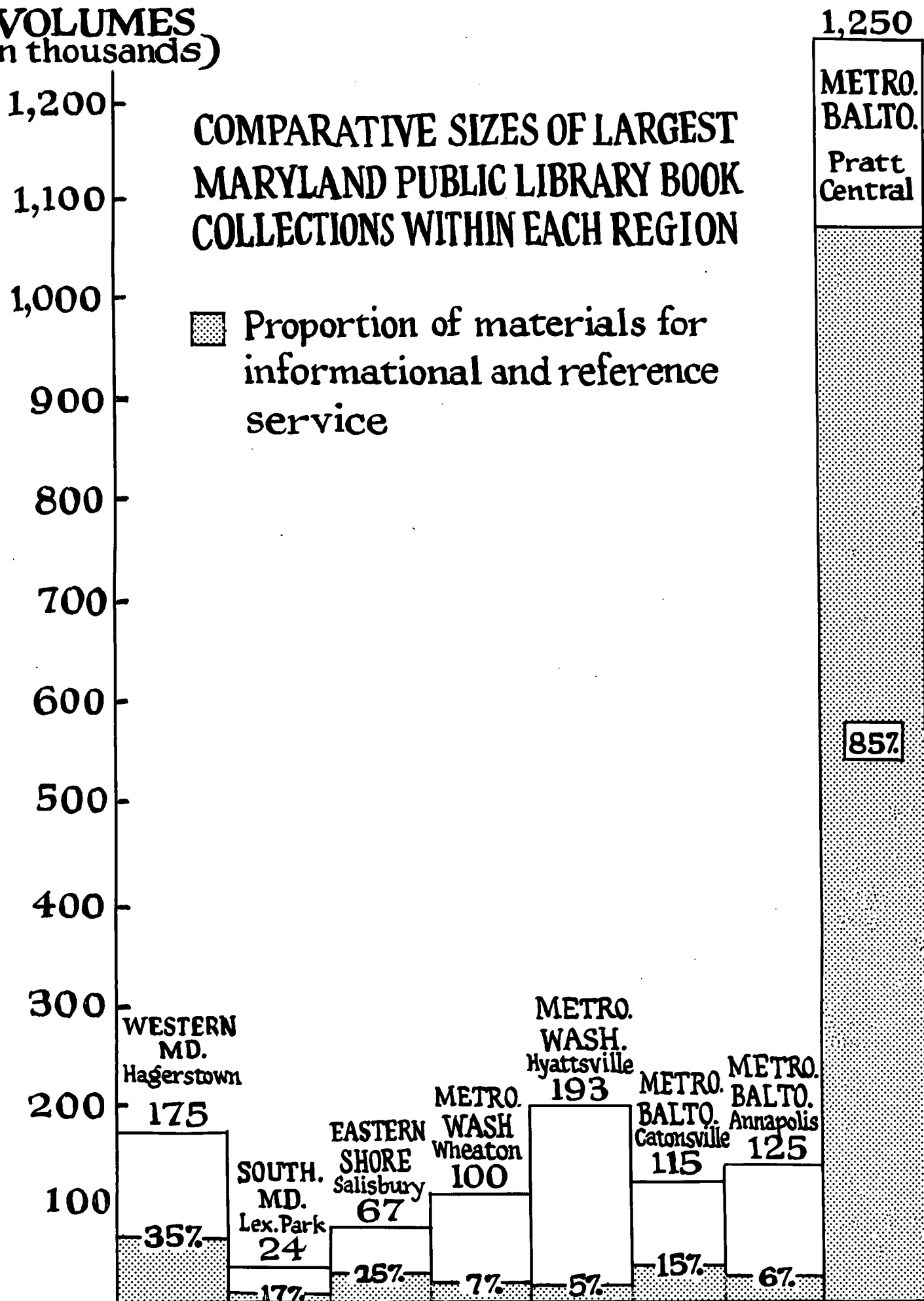
Elected officials in the local subdivisions have expressed concern that library programs should be administered in a manner that would reflect to a larger degree those things that elected officials consider the best interest of their constituents in those programs, that the elected officials should have control to prevent transfer of funds appropriated for one library purpose from being used for another library purpose, that appointees to Boards of Trustees are not necessarily those most able and dedicated, that increased demands for library services, new techniques for operation, and higher costs create a situation that is beyond the capabilities of some members of library boards, and that, in general, the vital role of the libraries indicates a need for checks on their operation by elected officials who presumably are most responsive to the needs of the people in any local subdivision. The Commission realized that, although an annual audit would show where appropriated funds have been spent, local elected officials would have to have more assurances that the money which they appropriate is expended for the purposes requested by the administrators and/or designated by local elected officials.

⁶Systems which would participate in cooperative services programs include Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Cecil County, Frederick County, Harford County, Howard County, Montgomery County, and Prince George's County as shown in the map on page 10 of this report which indicates in addition, those counties which would be served by regional resource centers. Cecil County might decide to participate in the regional resource center rather than in the metropolitan cooperative services program.

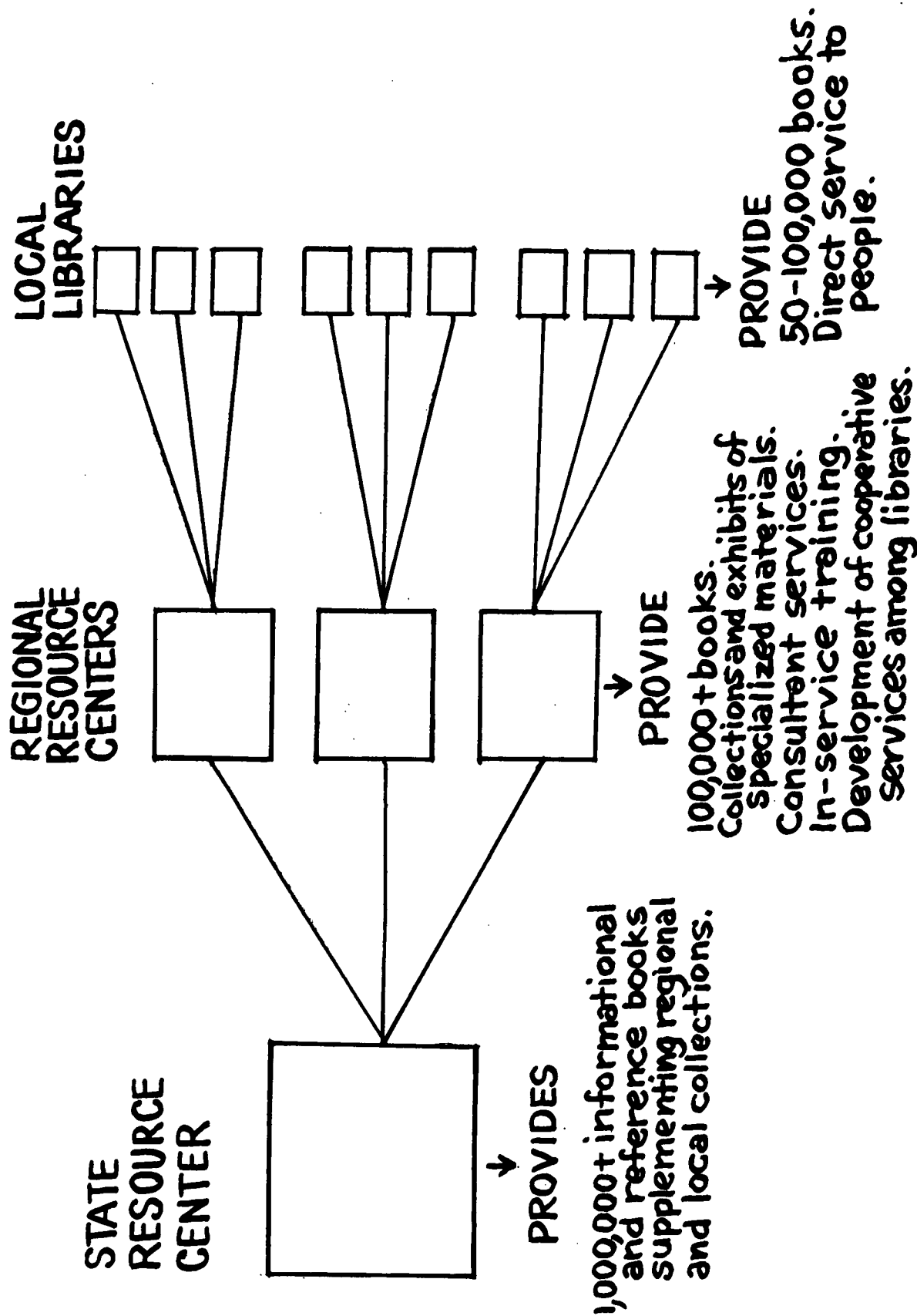
VOLUMES
(in thousands)

COMPARATIVE SIZES OF LARGEST MARYLAND PUBLIC LIBRARY BOOK COLLECTIONS WITHIN EACH REGION

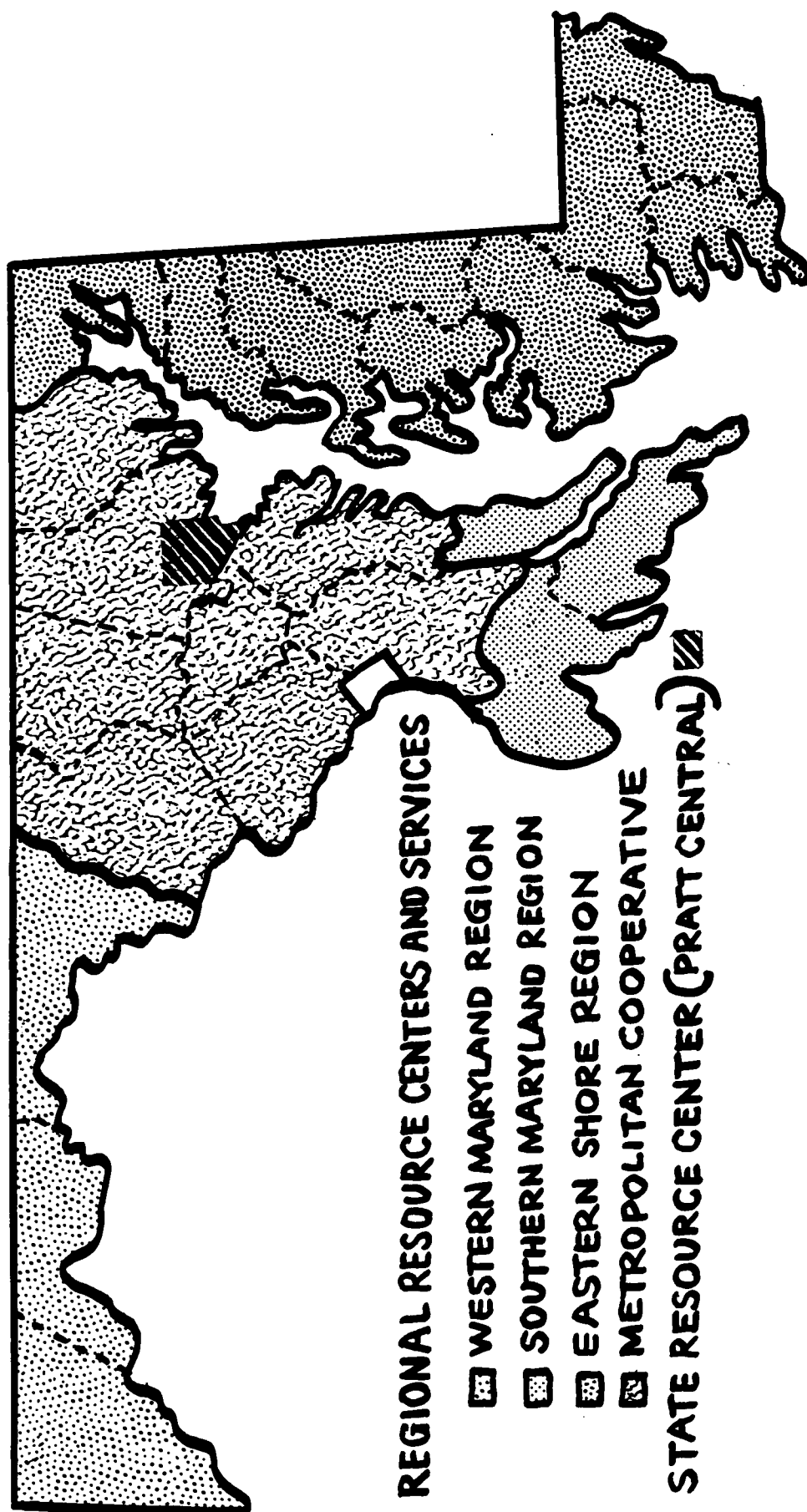
■ Proportion of materials for informational and reference service



PROPOSED ACTIVITIES AND FUNCTIONS OF LEVELS OF PUBLIC LIBRARY SERVICE



PROPOSED PUBLIC LIBRARY SERVICE PLAN FOR MARYLAND



The Commission recommends legislation to provide a legal solution to aforementioned problems in the three-party relationship by a revision of the "Powers and Duties of Boards of Trustees." The legislation provides that the local library system, operated through its board of trustees shall "receive, account for, control and supervise, in accordance with its duly adopted budget and the regulations of the local governing body, the expenditure of all funds received by the library" and "cooperate with and utilize the services of the fiscal agencies of the local governing body and seek the advice of those agencies in establishing sound fiscal policies and practices." The Commission considered that if the boards of trustees were required to handle funds in accordance with duly adopted budgets and the regulations of the local governing body more constant cooperation would be promoted among the library systems, the fiscal agencies of the local governing body and the local governing body by the fact that the library system would utilize accounting practices and policies approved by the local governing body and expend its appropriation and other funds consistent with its budget and the regulations of that local governing body.

The Commission further considered that a more harmonious relationship among the three parties controlling the operations of the library systems would result by permitting the local governing body to have the power of appointment of library trustees, but reserving to the local boards of trustees the power of nomination. The merits of this method of selection are that the limited insulation from the political influence and the making of appointments should assure that under normal circumstances only those people showing interest and ability in library affairs will be considered for board service while at the same time, elected officials would be assured an influential voice and veto in the choice of personnel to serve on the boards of those facilities.

The Commission concluded that this method of selection would better serve the purposes of good library administration than would direct appointment by the governing bodies, either at the State level or the local level. If the appointment is made at the State level, the normal inclination would be for the Governor to appoint from those recommended by his party governing body in the area affected, and a trusteeship would tend to become a prestige reward for political service rather than an appointment of a person interested in and competent to direct the affairs of local libraries. If the appointment were to be made at the county level, to some extent the same argument applies and with changes in the political complexion of political administration, the tendency would be to change political complexion of a local board which at best should be considered bi-partisan, if not non-partisan.

The Commission considered that the maximum benefits from the collective thinking and acting of the boards of trustees with a sufficient guarantee of continuity and broad representation of all community interests would derive from boards of trustees consisting of at least seven members who served overlapping terms of five years and who could not serve more than ten consecutive years.

The Commission received much testimony and had considerable discussion on the desirability of the boards which are selected and continued by self-perpetuation. The Commission concluded that the performance of presently constituted self-perpetuating boards was not a subject of complaint. Consequently, the Commission does not recommend any changes in the present law regarding their status other than the minimal guarantees that board membership will be representative of the area served by the library; chosen on the basis of ability, character and demonstrated interest; not restricted by political affiliation, race, sex, color or creed; and will include not fewer than seven members. The Commission further concluded that there should be no further proliferation of self-perpetuation which is not ideal and has produced some boards which are unrepresentative of the community in their composition.

The Current Expense Program

The Commission's comparison of the total statewide library effort in the nation and the library efforts of some Maryland counties to others indicates that a significant boost of the current expense programs is necessary to provide for existing library needs. The average current expense program nationwide costs much in excess of the \$1.80 per capita borne by the local government. Only a minimal amount of the total cost of the \$5.00 to \$6.00 programs is used for highly desirable but not necessary programs.

This is due to the fact that burdens upon local governments to provide the bare essentials of decent basic programs in the metropolitan areas permit only a negligible amount of "cream" in those programs. The increasing financial difficulties of local governments dictate that the State assume a larger role in supporting the current expense programs if any of the counties are to continue to maintain adequate basic programs.

The Commission concluded that a recommendation for increased State aid to the current expense formula was unavoidable and that the amount should not be recommended without being consistent with the following considerations:

- (1) that many fiscal experts recommend one formula for all government functions;
- (2) that an economic basis should be used for resources and a functional basis for appropriations but that no formula completely solves the problem of equalization;
- (3) that an adjustment factor in the formula for the basic support formula would provide a measure of the wealth of local subdivisions more meaningful than that in the present formula and eliminate the discrimination of one county against another county that has more current assessments;
- (4) that state government are by necessity assuming greater responsibilities in all social functions;
- (5) that, if there is to be any "cream" in the program of the local system, then it should be from local appropriations; and
- (6) that there must be a recognition that, although ideally the State should provide appropriations for all the costs of the basic support programs, other demands upon its fiscal abilities would prevent such appropriations.

The Commission recommends therefore, pursuant to all of the aforementioned considerations, that the per capita basis of the existing formula be changed from \$1.80 to \$3.00. This recommendation is trusted to be sufficiently conservative in view of the evidence indicating a need for a \$4.00 to \$5.00 basic support program.

The Commission recommends that the \$3.00 per capita program be determined on the basis of the education formula. The Commission considered that the education formula would provide an adequate basis for the support programs because of the relationship of the library to the general education function, that keying the library formula on the education formula would secure for library operations the flexibility of the educational formula which is revised to current conditions and also avoid the necessity to change a static formula, that the adjustment factor in the education formula and other formulas was necessary in any formula that the Commission would recommend, and, finally, that the education formula properly excludes from its measure of wealth personal property but includes income which will benefit those counties which need an additional benefit and have most of their value in land.

The Building Incentive Program

The Commission realized that the present building incentive formula will be obsolete within a very few years. The Commission, moreover, recognized that the current expense and building incentive formulas should be consistent to the degree that both should use the educational base of assessable wealth and require the same percentage of local-State sharing. Finally, the Commission concluded that the minimum guarantee share of support by the State should be raised to thirty percent (30%) to avoid the possibility of penalizing the large metropolitan counties which contribute very much to the tax revenues of the State but might not receive any building funds under a minimum guarantee share of support of only twenty percent (20%).

The Commission incorporated the considerations in the previous paragraph into its recommended legislation pertaining to the building incentive program. The Commission considered it necessary to avoid the possibility that a county could receive less under a new formula than under the present formula in that counties must have at least the amount granted under the existing formula to meet their bond

commitments. This flexibility was accomplished by providing that each library system shall receive the larger of the amounts computed under the existing formula or the proposed formula.

A Review of Existing Law

The Commission made a review of existing law to determine any possible substantive and technical changes necessary to implement its previously mentioned recommendations and up-date any sections that might have to be revised to enable public libraries to meet the demands upon them. These changes include:

- (1) a statement of legislative intent considered to be most appropriate as a preamble to the public library laws;
- (2) a listing of the powers and duties of the State Board of Education in connection with library development which the State Board has expressly and impliedly from its other powers and duties in Article 77 but which were never stated in the public library laws, and;
- (3) an express (i) grant of power to boards of library trustees to adopt policies regarding staff classification, salaries and benefits, and (ii) duty to consider the services and advice of the personnel or civil service agency of the local government in the establishment of personnel policies and practices which the Commission considered necessary for the best possible coordination of functions between the boards of trustees and local governing bodies and also more appropriately located among the sections referring to the staffs of the public libraries than in the "Powers and Duties of Boards of Trustees" in Section 173.

The Commission did not consider these matters of sufficient substance or controversy to be included in separate legislation and, therefore, included them in the legislation which, with the exception of them, is only a recodification of the existing law.

The Repeal of Exemptions

— The Commission recognized that the strength, unity and coordination of the statewide system of public libraries are reduced by the exemption of certain systems from the State laws pertaining to public libraries. The Commission could find no justifiable reason, by the continuance of the exemptions, to defeat that State's purpose in expending public monies to fund the Division of Library Development and Services as the agency to produce a strong, unified and coordinated statewide system. Moreover, the Commission concluded that it was only reasonable that the State have regulatory authority of library systems, financed substantially by State funds, to assure the accomplishment of statewide library goals.

APPENDIX

The recommended legislation is listed in the following order:

The Maryland Advisory Council on Libraries.....	A
Powers and Duties of the Division of Library Development and Services.....	B
The State Resource Center, Regional Resource Centers, and Metropolitan Cooperative Services Programs.....	C
Method of Selection of Boards of Trustees.....	D
Powers and Duties of Boards of Trustees.....	E
The Current Expense Program.....	F
The Building Incentive Program.....	G
Recodification.....	H
The Repeal of Exemptions.....	I

A
A BILL
ENTITLED

AN ACT to add new Section 167 to Article 77 of the Annotated Code of Maryland (1965 Replacement Volume and 1970 Supplement), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 166 thereof, to provide for the creation, composition, tenure, duties and powers of the Maryland Advisory Council on Libraries, its funding and other matters relating thereto.

WHEREAS, The Division of Library Development and Services of the State Department of Education provides leadership and guidance for the planning and coordinated development of library and information service in the State including the development of statewide public library and school library services, and such library networks, resource centers, and other arrangements to meet the library and information needs of the State; and

WHEREAS, The General Assembly concludes that an Advisory Council on Libraries consisting of interested citizens, trustees of public libraries, and professional librarians would be able to help the citizens of Maryland continue to have improved library services by informing the Division of Library Development and Services, the State Superintendent of Schools, the State Board of Education, and the Governor of the needs for library services for all citizens of Maryland and advising of the best ways in which to fulfill those needs; and

WHEREAS, The General Assembly intends that the advice and recommendations of the Advisory Council will not be binding upon but shall be given serious consideration by the Division of Library Development and Services, the State Superintendent of Schools, the State Board of Education, and the Governor: now, therefore,

* * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That new Section 167 be and it is hereby added to Article 77 of the Annotated Code of Maryland (1965 Replacement Volume and 1970 Supplement), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 166 thereof, and to read as follows:*

167.

(a) *There is hereby created the Maryland Advisory Council on Libraries.*

(b) *The Advisory Council shall consist of eleven members. The Governor shall appoint seven members, at least two of which shall be library trustees and another two of which shall be professional librarians in the State. The other four members shall include the President of the Council on Higher Education, the President of the Enoch Pratt Free Library Board of Trustees, the President of the Maryland Library Association and the Dean of the School of Library and Information Services of the University of Maryland, or their designated representatives.*

(c) *All members of the Advisory Council shall be entitled to full and equal participation in all the activities of the Advisory Council.*

(d) *The members of the Advisory Council shall be persons of ability and integrity, experienced in public and/or library affairs. Members shall represent the interests of all citizens of Maryland in better library services.*

(e) *Of the seven members initially appointed to the Advisory Council, one shall be designated by the Governor for a term expiring on July 1, 1972, one for a term expiring on July 1, 1973, one for a term expiring on July 1, 1974, two for a term expiring on July 1, 1975, and two for a term expiring on July 1, 1976. The successor of each member shall be appointed by the Governor for a term of five (5) years, but any person appointed to fill a vacancy shall be appointed only for the unexpired term. No appointed member of the*

Advisory Council is eligible for more than two consecutive terms. All appointed members shall hold office until their successors qualify.

(f) One of the members of the Advisory Council shall be designated annually by the Governor to serve as chairman of the Advisory Council. The chairman shall preside over its meetings and perform such other duties as assigned by the Advisory Council. The members of the Advisory Council shall annually select one of its members as vice-chairman. In the absence of the chairman, the vice-chairman shall act as temporary chairman, and have such other duties as the Advisory Council assigns him. The Assistant Superintendent for Libraries of the State Department of Education shall act as Secretary to the Advisory Council, record its proceedings, and provide for any necessary staff services.

(g) Quorum. Five members of the Advisory Council are a quorum for the transaction of business, and the affirmative vote of at least five members is necessary for any substantive recommendation to the Division of Library Services of the State Department of Education, State Superintendent of Schools, the State Board of Education, or the Governor.

(h) Meetings of the Advisory Council shall be scheduled as called by the chairman or as set forth in any bylaws adopted by the Advisory Council, provided that at least one meeting be held each year.

(i) The Advisory Council shall gather information pertaining to the needs of libraries throughout the State, render advice for consideration by the Division of Library Development and Services, the State Superintendent of Schools, the State Board of Education, and the Governor and engage in other activities to promote continued improvement of library services in the State.

(j) (1) The Advisory Council shall be funded annually as provided by law in the budget of the Division of Library Development and Services of the State Department of Education.

(2) The members of the Advisory Council shall receive no salary, but their actual traveling and other necessary expenses incurred in attending the meetings and transacting the business of the Advisory Council shall be paid.

SEC. 2. And Be It Further Enacted, That this Act shall take effect July 1, 1971.

B

**A BILL
ENTITLED**

AN ACT to add new Section 166 to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 165 thereof, as amended, to provide for the powers and duties of the Division of Library Development and Services of the State Department of Education.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That new Section 166 be and it is hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 165 thereof, as amended, 166 and to read as follows:*

Under the general direction of the State Board of Education, and subject to its approval, the Division of Library Development and Services shall have the following powers and duties:

- (1) To provide leadership and guidance for the planning and coordinated development of library and information service in the State;*
- (2) To develop statewide public library and school library services, and such library networks, resource centers, and other arrangements as will meet the library and information needs of the State;*
- (3) To provide through contractual and other arrangements for an adequate resource of books and other specialized materials to supplement the resources of libraries in the State;*
- (4) To provide professional and technical advisory services to public library and school library officials, to State government agencies, and others for the purpose of improving library services in the State;*
- (5) To collect library statistics and other data; to identify and provide for needed research and studies of library needs; and to publish and disseminate findings in these areas;*
- (6) To coordinate library services with other information and educational services and agencies;*
- (7) To administer Federal and State funds appropriated to it by the State for library purposes provided for in this subtitle;*
- (8) To develop and recommend professional standards and policies for libraries;*
- (9) To establish requirements and procedures for the certification of librarians and other library personnel operating under this subtitle;*
- (10) To provide specialized library service to the visually and/or otherwise physically handicapped persons throughout the State, and to develop such other specialized library services as may be desirable;*
- (11) To render, upon request, advice and assistance for the establishment, operation and coordination of libraries at State institutions and agencies; and to administer the operation of library and information services for the Department of Education;*
- (12) To promulgate guidelines for the administration of public libraries and to make recommendations to the State Board of Education in regards to rules and regulations to implement the provisions of this subtitle;*
- (13) To establish a program for the distribution of State publications to appropriate libraries within the State; and*
- (14) To perform all other duties necessary for the proper operation of the library division.*

SEC. 2. *And Be It Further Enacted, That this Act shall take effect July 1, 1971.*

C

A BILL
ENTITLED

AN ACT to add new Sections 168 and 169 to Article 77 of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Education," subtitle "Chapter 16. Public Libraries," to follow immediately after Section 167 thereof, to provide for the establishment, operation and funding of regional resource centers, metropolitan cooperative service programs, the State resource center, boards of advisors, powers and duties of boards of advisors, functions, and other matters generally relating to regional resource centers, the State resource center and metropolitan cooperative service programs.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That new Sections 168 and 169 be and they are hereby added to Article 77 of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Education," subtitle "Chapter 16. Public Libraries," to follow immediately after Section 167 thereof, and to read as follows:*

168.

(a) *Regional Resource Centers*

(1) *Any three or more public library systems outside the standard metropolitan statistical areas as defined by the United States Bureau of the Census, acting through their several boards of library trustees, may request the State Department of Education to establish and maintain a regional resource center for the purpose of providing through mutual cooperation and coordination books, information, and other material and service resources which an individual library could not adequately provide by itself.*

(2) *Any library designated as a regional resource center shall be chosen by the several boards of library trustees of participating library systems and the State Department of Education. The board of trustees of the designated library shall agree to perform as many of the services provided for in subsection (a) (3) of this section as necessary to meet the standards and criteria of the State Department of Education. The criteria for a regional resource center includes the following:*

(i) *A region should comprise three or more counties and have a population of at least 100,000 persons and preferably 200,000.*

(ii) *Whenever possible the strongest existing library in the area should be selected as the regional resource center.*

(iii) *The regional resource center should be so located as to be of greatest service to all points in the region.*

(iv) *It should build toward a collection of not less than 100,000 currently useful adult titles.*

(3) *The regional resource center shall render as many of the following services for the libraries in the region as required by the standards and criteria of the State Department of Education:*

(i) *Make inter-library loans of books and materials;*

(ii) *Supply collections and exhibits of specialized materials;*

(iii) *Provide consultant services;*

(iv) *Organize in-service training for library staffs; and*

(v) *Develop and operate cooperative services among libraries.*

(4) *The regional resource centers shall be administered in conformance with the standards and criteria of the State Department of Education by the Library Administrator of the library designated as the regional*

resource center under policies and procedures determined by its board of trustees and upon the recommendation and approval of the board of advisors of the regional resource center.

(5) Each board of trustees of a participating library shall select two persons to represent its library on the board of advisors of the regional resource center.

(6) The board of advisors of the regional resource center shall have the following general powers and duties:

(i) To gather information pertaining to the resource needs of both its region and the State;

(ii) To make an annual report to the State Department of Education containing an evaluation and any recommendations concerning the operations of the regional resource center prior to the distribution of State funds appropriated for the regional resource center;

(iii) To recommend to the local board of the library designated as the regional resource center and to the State Department of Education policies and procedures for the development and use of the regional resource center;

(iv) To promote use of the regional resource center;

(v) To recommend the purchase, condemnation, rental, use, sale or conveyance of real and personal property, for any purpose valid under this section; and also to recommend plans for the regional resource centers which may include the use of existing facilities of participating libraries, additions to the facilities of participating libraries or new facilities separate from existing facilities of participating libraries.

(7) The Budget of the State Department of Education for the fiscal Year 1972, and each year thereafter, shall include an amount determined by the State Department of Education to be necessary for the operational budgets of the regional cooperative services program.

(8) Expenditures for capital improvements of existing facilities, additions to existing facilities, or new facilities separate from existing facilities of participating libraries and/or equipment and furniture for capital improvements necessary for and to be used by regional resource centers shall be totally financed by the State. Prior to the receipt of any funds for any capital improvements necessary for and to be used by regional resource centers, the library designated as a regional resource center must have the plan and justification for expansion approved by the State Department of Education and agree that the facility may be used for regional resource center purposes for no less than twenty (20) years.

(b) *Metropolitan Cooperative Services Programs.*

(1) Any public library system located within the standard metropolitan statistical areas in Maryland as defined by the United States Bureau of the Census and any other library systems which choose to be included may participate in a metropolitan cooperative services program.

(2) Metropolitan cooperative services programs shall conform to standards and criteria established by rule of the State Board of Education for regional cooperative services programs.

(3) The metropolitan cooperative services programs shall make an annual report of their operations to the State Department of Education and the Maryland Advisory Council on Libraries.

(4) The budget request of the State Department of Education for the fiscal year 1972 and each year thereafter shall include an amount determined by the State Department of Education to be necessary for the operational budgets of the metropolitan cooperative services programs.

(c) The State Department of Education shall receive and authorize the payment to regional resource centers and metropolitan cooperative services programs of funds subject to their order and such funds shall be added to the public library fund. The State Department of Education shall require that all funds be used subject to any conditions specified by the appropriating agency or imposed consistently with this section.

The State Department of Education is directed to authorize the Comptroller of the Treasury to withhold State funds from any regional resource center or metropolitan cooperative services program which fails to perform the services necessary to comply with the standards and criteria of the State Department of Education.

(d) The State Department of Education shall make periodic studies and evaluations of the effectiveness of the services performed by regional resource centers and metropolitan cooperative services programs and shall request such other reports and information as may be necessary.

169.

(a) State Resource Center

(1) In order to provide continued and expanding access by the citizens of Maryland to specialized library materials and services available only at the Central Library of the Enoch Pratt Free Library System, such materials and services being vital to educational endeavors and necessary for coordinated, economical and efficient library services in Maryland, the General Assembly hereby declares the Central Library of the Enoch Pratt Free Library System to be the State Library Resource Center.

(2) The State Department of Education shall include in its annual budget an amount based on fifty percent (50%) of the operating costs incurred during the preceding year to provide specialized research and reference materials and services for the whole state beyond the level supported in the current expense portion of the cooperative program provided under Section 176. Any appropriation for the specialized research and reference materials and services shall be paid quarterly to the Mayor and City Council of Baltimore upon certification by the State Superintendent of Schools and shall be utilized only for the purposes described in this Section.

(3) The State Department of Education shall include in its budget request such sum or sums as may in its judgment be required for capital expenditures for improvements of existing facilities, additions to existing facilities or new facilities including furniture and/or equipment to provide the specialized research and reference services financed by the State in 169 (2) above. Such capital funds may be appropriated in advance of expenditure and may be paid according to procedures established by the State Superintendent of Schools.

SEC. 2. *And Be It Further Enacted, That this Act shall take effect July 1, 1971.*

D

A BILL
ENTITLED

AN ACT to add new Sections 172A, 172B and 172C to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 171 thereof, as amended, to provide for boards of trustees to govern public libraries, their composition, method of appointment, terms, qualifications, meeting times and requirements, and other matters generally relating to boards of trustees of public libraries.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That new Sections 172A, 172B, and 172C be and they are hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 171 thereof, as amended, and to read as follows:*

172A.

(1) *Public libraries operating under this subtitle shall be under the control of a board of library trustees appointed by the local governing body except as otherwise provided for in this subtitle.*

(2) *Boards of library trustees shall consist of at least seven members. Subsequent to July 1, 1971, board members shall serve overlapping terms of not more than five years. Subsequent to July 1, 1971, board members shall not serve for more than ten consecutive years even though their terms of office began prior to July 1, 1971. No person shall be eligible to serve more than two consecutive terms. Board members shall hold office until their successors qualify.*

(3) *Present membership on existing boards of library trustees shall be retained until the expiration of their stated term of office. Upon the expiration of the term of an existing member, the vacancy shall be filled by the local governing body. Appointments shall be made from a list of nominees, of not less than three nor more than five for each vacancy, to be provided to the appointing authority by the existing membership of the board of trustees on which the vacancies occur.*

(4) *Board members shall be representative of the area served by the interest in library service without any restrictions based on political affiliation, race, color, sex or creed.*

(5) *Boards of library trustees shall meet at least once every three months and shall carry out the duties and powers enumerated in this subtitle.*

(6) *Members of boards of library trustees shall serve without pay.*

(7) *All final actions of boards of library trustees shall be taken at public meetings. The minutes of board meetings shall be made available for the public.*

(8) *All requirements and regulations pertaining to the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter, Articles of Incorporation, and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.*

172B.

Boards of trustees of libraries, which were in operation before 1945, and which were by their Charter or Articles of Incorporation self-perpetuating or otherwise specifically constituted, may continue as they are presently constituted; provided their membership is representative of the area served by the library, is chosen on the basis of ability, character and demonstrated interest in library service, is not restricted by political affiliation, race, sex, color or creed, and includes at least seven members. The restrictions on boards of trustees, contained in other but not in this section of this subtitle, shall not be construed to apply to this section.

192C.

Charter counties may provide by the terms of their Charters for the selection and composition of the membership of boards of trustees by (1) the method described in Section 172A of this Article or, if specified in their Charter; (2) a different method of appointment or different powers and duties of boards; provided, however, that all responsibilities of local boards provided for in this Article shall be fulfilled by local governmental agencies specifically designated by the legislative body of the respective local government.

SEC. 2. *And Be It Further Enacted, That this Act shall take effect July 1, 1971.*

E

A BILL
ENTITLED

AN ACT to add new Section 173 to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to follow immediately after Section 172C thereof, to provide for the powers and duties of boards of trustees of public libraries.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That new Section 173 be and it is hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education", subtitle "Public Libraries," to follow immediately after Section 172C thereof, and to read as follows:*

173.

(a) *The Board of Library Trustees in any county shall have the following general powers and duties:*

- (1) *To determine the policy of the library;*
- (2) *To adopt bylaws for the conduct of its business, and to choose its own officers;*
- (3) *To make reasonable rules and regulations for the use of the library;*
- (4) *To select and appoint a professional librarian as chief administrator and establish personnel policies for the library subject to the proviso that no qualified applicant be discriminated against on the basis of race, color, sex, creed or political affiliation.*
- (5) *To advise in the preparation of the budget, approve it, and work to obtain the necessary funds;*
- (6) *To establish libraries, to develop library service wherever needed, and develop access to recorded knowledge wherever possible;*
- (7) *To make annual reports as to the operation and conduct of the library as hereafter prescribed;*
- (8) *To receive, account for, control and supervise, in accordance with its duly adopted budget and the regulations of the local governing body, the expenditure of all public funds received by the library;*
- (9) *To cooperate with and utilize the services of the fiscal agencies of the local governing body and seek the advice of those agencies in establishing sound fiscal policies and practices;*
- (10) *To receive and administer trusts, endowments, or bequests;*
- (11) *To recommend to the local governing body the purchase, condemnation, rental, use, sale or conveyance of real and personal property, for any purpose valid under this subtitle;*
- (12) *To select the location of and make or approve plans for the erection of library buildings thereon subject to the approval of the local governing body;*
- (13) *To enter into contracts for any library service, with any other library, governmental unit, or co-operative library service center; and*
- (14) *To perform all other acts necessary for the proper control and development of the library.*

(b) *The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.*

SEC. 2. *And Be It Further Enacted, That this Act shall take effect July 1, 1971.*

F

A BILL
ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 176 (as amended) of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to provide for a new current expense formula to increase State aid to the public libraries.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland,* That Section 176 (as amended) of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

176.

(a) (1) "County" includes Baltimore City.

(2) The population figures used in this section shall be those obtained from the Federal decennial census and in the intervening years from estimates prepared by the ((State)) Dept. of Health and Mental Hygiene as of July 1, of the year preceding the fiscal year.

(3) "Taxable wealth" used in computing State aid herein shall be the ((assessable property in each county as determined by the State Department of Assessments and Taxation)) *sums of "adjusted assessed valuation of real property" and "net taxable income" as defined in Section 128(5) and (7) of this Article.*

(4) "Expenditures in which the State shares" shall be the current operating expenditures of approved public libraries participating in the cooperative program under the provisions of this section within the limits provided in subsection (c).

(5) The taxable wealth of each county and of the State as a whole shall be divided by the population in each county and in the State as a whole, respectively, to obtain the wealth per capita in each county and in the State. The per capita wealth in each county shall be divided by the per capita wealth in the State as a whole to obtain the ratio of local wealth per capita to State wealth per capita. This ratio shall be multiplied by ((70)) 50 per cent to determine the local percentage share. The State's percentage share shall be obtained by subtracting the local percentage share from 100 percent. No participating county shall receive less State aid than ((20)) 30 percent of the cost of the program in which the State shares. In making these computations the average local population and assessment data for the three preceding years shall be used.

(b) As of July 1, 1963, the beginning of the State's fiscal year 1964, and continuing thereafter, there is created a local-State cooperative program for the support and growth of public libraries, as provided for in this section.

(c) For each county which elects to participate in the cooperative program, there shall be provided annually for the purposes of the minimum program for current expenditures of libraries from local and State funds, an amount for each resident of the county which is not less than ((one dollar and eighty cents (\$1.80))) *three dollars (\$3.00)*. The State shall share in an expenditure of ((((\$1.80))) (\$3.00) per capita of approved public library service. Local tax sources shall include all monies appropriated to the Public Library Fund by the counties or participating municipalities.

Any county may provide an amount in excess of its share of the cooperative program, but the State shall not share in the excess.

((Until June 30, 1968, counties shall have the option of operating under a cooperative program based on one dollar and twenty cents (\$1.20) per capita or one dollar and fifty cents (\$1.50) per capita

or one dollar and eighty cents (\$1.80) per capita. After July 1, 1968, all counties, in order to participate in the cooperative program, shall base the program on one dollar and eighty cents (\$1.80) per capita.))

(d) Of the entire cost of the cooperative program for approved public libraries for the State as a whole, the State shall appropriate approximately ((thirty percentum (30%))) *fifty percentum (50%)* of the cost of the minimum program. The counties participating in the program, in the aggregate, shall appropriate approximately ((seventy percentum (70%))) *fifty percentum (50%)* of the entire cost throughout the State. For an individual county, the percentage of local support for the cooperative program in which the State shares in no event shall exceed ((eighty percentum (80%))) *seventy percentum (70%)* and the percentage of State support in no event shall be less than ((twenty percentum (20%))) *thirty percentum (30%)* of the cost of the minimum program.

(e) The amount of a county's contribution to the cooperative program is determined by the following computation:

$$\begin{array}{rcl} \text{((assessment valuation per}} & & \text{taxable wealth per capita} \\ \text{capita for county}} & & \text{for the county} \\ \hline & = X \text{ ratio,} & \\ \text{assessment valuation per}} & & \text{taxable wealth per capita} \\ \text{capita for the State))} & & \text{for the State} \\ \hline & & = X \text{ ratio,} \end{array}$$

which is multiplied by ((70)) *50*; and this product is the percentage of the total cost which is to be paid by the county. The remaining percentage of the total cost is the State's share and shall be paid by the State. The total cost in any county is the product of its population multiplied by the appropriate amount per capita as provided in this section. Any county may provide an amount in excess of its share of the minimum program, but the State shall not share in the excess.

(f) The appropriate officials of the several counties and of participating municipalities may levy for and appropriate the necessary monies as specified in this section. These monies plus the State's contribution to that county shall be designated as the Public Library Fund. ((Any funds appropriated and available for the current expenses of libraries, as of July 1, 1963, are a credit toward the required annual appropriation for that county.))

(g) The State Superintendent of Schools shall authorize the payment to the county board of library trustees of any county in which a library shall be established or operating under this subtitle, those funds subject to its order to which the county and the library may be entitled, and such funds shall be added to the Public Library Fund. The State Superintendent of Schools shall require that all such funds be used subject to any conditions specified by the appropriating agency or imposed consistently with this subtitle.

The State Superintendent of Schools is directed to authorize the Comptroller to withhold State funds from any county which fails to levy the amount of its share of the minimum program prescribed by law or which fails to meet the requirements of the law or of the State Board of Education regarding the operation of the county library.

(h) Libraries in operation before January 1, 1945, whose boards, by the terms of their charters or articles of incorporation are self-perpetuating or otherwise specifically constituted, shall be deemed eligible for all benefits specified in this subtitle provided they meet all other requirements under this subtitle and their boards may continue to be constituted as in the same manner before.

((i) Until June 30, 1966, after which Section 182 shall be repealed, counties shall have the option of operating under the provisions of Section 182 or 176 of this subtitle.))

SECTION 2. *And Be It Further Enacted*, That this Act shall take effect July 1, 1971.

G

A BILL
ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 177, as amended, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," to provide a new formula to increase State aid for the Public Library Incentive Fund.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland*, That Section 177, as amended, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

177.

(a) A Public Library Incentive Fund is created as of July 1, ((1964)) 1971, for the purpose of granting aid to the counties and the City of Baltimore to finance debt service and/or pay-as-you-go capital outlay expenditures for the purchase of land for libraries, the purchase and construction of library buildings, remodeling and adding to library buildings, and the purchase of equipment and furniture for such library buildings. "Debt service" for the purposes of this section is the term used to describe the interest and amortization charges paid annually over a period of years to retire bonds issued for such purposes.

(b) ((Each of the counties and the City of Baltimore shall participate in any year in the Public Library Incentive Fund created by this section if it levies for that year, for the purpose specified in subsection (a) of this section, one-half cent ($\frac{1}{2}\%$) on each hundred dollars of the valuation of property assessable at the full rate for county purposes for the previous year as reported by the State Department of Assessments and Taxation. Funds received by a board of county commissioners, or county council, or the mayor and city council of Baltimore, from any source other than the State of Maryland, and applied to the purposes specified in subsection (a) of this section, shall be treated for the purposes of this section as having been levied on the tax rate of the county or city.)) *The Public Library Incentive Fund for each county shall be equivalent to the sum of fifty cents (50¢) multiplied by the population of the county or Baltimore City. The population figures used in such determination shall be based on the latest federal census and in intervening years on estimates by the Department of Health and Mental Hygiene as of July 1st of the previous calendar year. The State percentage share of this Fund shall be the same as that used for the current expense aid in Section 176 of this Article.*

(c) ((The Public Library Incentive Fund to be included in the State budget and paid to the board of county commissioners, county council, or the mayor and city council of Baltimore, shall be the difference between (1) the sum of fifty cents (50¢) multiplied by the population in each county or the City of Baltimore, the population figures used in such determination to be based on the latest federal census and in intervening years, on estimates of the Division of Vital Statistics of the State Department of Health, as of April 1 of the previous calendar year, and (2) the amount realized by the levy of one-half cent ($\frac{1}{2}\%$) in each of the counties and the City of Baltimore for the purposes specified in subsection (a) of this section.)) *In order for a county or Baltimore City to participate in the Public Library Incentive Fund in any year, it shall provide sufficient funds from local sources for the purposes specified in subsection (a) of this section equivalent to the county or Baltimore City percentage share at the current expense aid in Section 176 of this Article. Funds received by a board of county commissioners, or county council, or the mayor and city council of Baltimore, from any source other than the State of Maryland, and applied to the purposes specified in subsection (a) of this section, shall be treated for the purposes of this section as funds from local sources. If the total amount to be expended for the purposes in subsection (a) is less than 50¢ per capita then the State's participation shall be limited to its percentage share of the total amount expended.*

((d) If the board of county commissioners, county council, or the mayor and city council of Baltimore levy only a fractional part of one-half cent ($\frac{1}{2}\%$) for the purposes specified in subsection (a)

of this section, the Public Library Incentive Fund shall be an amount equal to the difference between (1) the same fractional part of fifty cents (50¢) multiplied by the population in each county or the City of Baltimore as defined in subsection (c) of this section, and (2) the amount realized from the levy of the fractional part of one-half cent ($\frac{1}{2}$ ¢) as set forth in the subsection (b) of this section.)

((e)) (d) The Public Library Incentive Fund payment due each county and the City of Baltimore shall be paid to and allocated by the board of county commissioners, county council, or mayor and city council of Baltimore, to take care of the annual requirements of existing or new debt service, or for expenditure or accumulation toward capital outlay on a pay-as-you-go basis, for the purposes specified in subsection (a) of this section.

((f)) (e) Notwithstanding any other provision of this section to the contrary, each of the counties and the City of Baltimore shall participate in the Public Library Incentive Fund created by this section if it expends funds previously accumulated from sources permissible under subsection (b) of this section for the purposes specified in subsection (a) of this section. The Public Library Incentive Fund to be included in the State budget and paid to the board of county commissioners, county council, or the mayor and city council of Baltimore under this subsection shall be calculated as follows: (i) The amount actually expended by the counties or city under this subsection shall be divided by the sum of fifty cent (50¢) multiplied by the population in said county or city, the quotient being deemed to be the number of years of accumulation of the funds so expended; (ii) if the quotient contains a fraction, it shall be rounded off to the nearest whole number; (iii) for the number of years equal to the said quotient, as rounded off, commencing with the year in which the total actual expenditure was made, there shall be paid to the board of county commissioners, county council, or the mayor and city council of Baltimore, in each of said years, an amount determined in accordance with the formula provided in subsection (c) of this section.

(f) *For the fiscal year 1971-1972 and each year thereafter, the following calculation shall be made for each county or Baltimore City: an amount equal to the difference between the sum of fifty cents (50¢) multiplied by the population of the county or Baltimore City as defined in subsection (b) of this section, and the amount realized by the levy of one-half cent ($\frac{1}{2}$ ¢) on each hundred dollars of assessed valuation for county or city purposes for the previous year as reported by the State Department of Assessments and Taxation. In the event that the amount arrived at by the calculation exceeds the State's share calculated in subsection (b) of this section, the State shall pay the larger amount to such county or Baltimore City; provided, that if the county or Baltimore City does not provide local funds equivalent to one-half cent ($\frac{1}{2}$ ¢) on each hundred dollars of assessed valuation, the State's share in this calculation shall be equal to the difference between the same fractional part of fifty cents (50¢) multiplied by the population in the county or Baltimore City and the amount realized from the levy of the fractional part of one-half cent ($\frac{1}{2}$ ¢) on each hundred dollars of assessed valuation. Provided however that notwithstanding the foregoing any subdivision which expends for the purposes in subsection (a) at least fifty cents (50¢) per capita shall be entitled to a State share which is not less than the amount actually paid by the State for the same purpose for the 1971 fiscal year.*

SECTION 2. *And Be It Further Enacted, That this Act shall take effect July 1, 1971.*

H

A BILL

ENTITLED

AN ACT to repeal Sections 162 through 182, inclusive, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," and to enact new Sections 162, 163, 164, 165, 166, 170, 171, 173, 174, 175A, 175B, 175C, 175D, 176, 177, 178A-178B, 178C, 179, 180A, 180B, 181 and 182 in lieu thereof to stand in the place of the sections so repealed; to provide for recodification of certain sections pertaining to public libraries in Article 77, a statement of legislative intent, the power and duties of the State Board of Education in connection with library development, the power of boards of trustees to adopt certain policies, and other matters generally relating to public libraries.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland, That Sections 162 through 182, inclusive, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," be and they are hereby repealed; and that new Sections 162, 163, 164, 165, 166, 170, 171, 173, 174, 175A, 175B, 175C, 175D, 176, 177, 178A, 178B, 178C, 179, 180A, 180B, 181, and 182 be and they are hereby enacted in lieu thereof to stand in the place of the sections so repealed, and all to read as follows:*

162.

Public library resources and services are essential components of the educational system, stimulate awareness and understanding of critical social issues and problems, and assist individuals in reaching their highest potential for self-development. In recognition of the social and economic benefit to the citizens of the State to have access to total library services, the State of Maryland, in collaboration with the counties and Baltimore City adopts the policy to promote, support and implement the development and maintenance of adequate public and specialized library facilities and services throughout the State in whatever form and by whatever means may be most beneficial and feasible. Adequate library services are deemed to be necessary to the cultural, educational and economic development of the State of Maryland and to the health, safety and welfare of its people. The State encourages and supports the development of coordinated programs and services with other libraries and institutions that will provide the widest possible access to the library and information resources of the State and insure more effective and economical services to all library users.

163.

The State Board of Education shall have general direction and control of library development in the State. The Board shall have the following powers and duties:

- (a) implement the provisions of this subtitle;*
- (b) adopt, pursuant to a consideration of the recommendations of the Advisory Council on Libraries, library policies and procedures for the statewide system of libraries;*
- (c) make such rules and regulations as may be necessary for the administration of this subtitle;*
- (d) consider the library needs of the State and recommend to the Governor and the General Assembly legislation or changes in legislation as may be deemed desirable; and*
- (e) report annually to the Governor and the people of the State on the support, condition, progress and needs of libraries.*

164.

In order to provide for public libraries and for the coordination and development of other library services, there is hereby established a central State library agency in the State Department of Education known

as the Division of Library Development and Services. The Division shall be under the immediate supervision of a director whose title shall be that of Assistant Superintendent for Libraries. The Assistant Superintendent for Libraries shall be appointed by the State Board of Education on the recommendation of the State Superintendent of Schools. He shall hold an advanced degree in library and information service, shall have had administrative experience in libraries and such other qualifications as the State Superintendent may deem advisable in order to provide for the efficient development of a statewide library service.

165.

There shall be such professional and clerical staff in the Division of Library Development and Services as may be deemed necessary to make effective the provisions of this subtitle for which provision shall be made in the State budget. The director and other employees of the Division shall receive such salaries as shall be provided in the State budget. The professional staff shall be appointed and may be removed in the same manner as the other members of the professional staff of the State Department of Education and shall be subject to the same general control, rules and regulations.

166.

Under the control and direction of the State Board of Education and subject to its approval, the Division of Library Development and Services shall have the following powers and duties:

- (a) To develop statewide public library and school library services;
- (b) To provide a direct service of books, pamphlets, clippings, and visual materials, and guidance in their use, to individuals, groups and schools;
- (c) To provide a supplementary service of books, pamphlets, clippings, reading courses and visual materials for the libraries of the State;
- (d) To encourage the development of library services in State hospitals and institutions;
- (e) To compile statistics and other facts on the status of libraries, and to prepare and publish reports and bulletins;
- (f) To coordinate the library services covered by this subtitle with other library and educational services and agencies;
- (g) To cooperate with the library agencies of other states and with national library agencies;
- (h) To give professional advice and assistance to all county libraries, and to all other public libraries of the State established or operating under this subtitle;
- (i) To establish professional standards for any county or other public library established or operating under this subtitle.
- (j) To perform all other duties necessary for the proper operation of the library division.

170.

(a) Any two or more boards of library trustees may organize a cooperative library corporation as set forth hereafter in (b), for the purpose of administering joint library projects within their respective counties.

(b) The articles of incorporation shall be executed by boards of library trustees desiring to enter into joint library projects with other boards within a given multiple-county area. The corporation shall be nonstock, nonprofit organized pursuant to Article 23, Sections 132 et seq. of the Annotated Code of Maryland (1966 Replacement Volume as amended) for the purpose of administering such joint library projects within the jurisdictions of the member boards. The member boards may be increased after incorporation by including other county boards, with the consent of all then existing member boards. The membership of the corporation shall consist of all trustees of the member boards who shall elect a corporate board of directors to be composed exclusively of trustees of the member boards in such proportions and numbers as may be prescribed by the corporate bylaws. The member boards are hereby expressly authorized to delegate the powers and duties devolved upon them under this section, in respect to the intracounty library activities, to the aforesaid corporation to the extent deemed necessary to fully empower it to effectively carry out and administer the joint library projects agreed upon by the member boards.

(c) A cooperative library corporation and its professional and clerical employees shall be subject to and entitled to the benefits of the following provisions of this subtitle: Teachers' Retirement System (Section 191); library fund (Section 177); annual audit (Section 178); annual report of the board (Section 179); and exemption from taxation (Section 183).

171.

(a) The board of county commissioners of any county shall have power to establish and maintain county public libraries for the purposes of this subtitle. Such libraries shall in each instance be located in the county seat, or in any place to be determined by the said board, with branch libraries and stations in such places within the county as the board of library trustees may deem necessary. The county commissioners shall levy a sum in support of the library, as provided in this subtitle.

(b) Any library, established and operating under this subtitle, shall for the period during which it so operates, offer free service to the residents of the county in which it is located; provided, that the board of library trustees and the librarian shall have the right to make reasonable rules and regulations for the use of the library and its facilities and to extend the privileges and facilities of said library to persons living outside of the county upon such terms and conditions as said board may from time to time by resolution prescribe.

(c) The county commissioners may, for the purposes of this subtitle, acquire by gift, purchase, or condemnation, real or leasehold property, and may erect thereon out of specially appropriated funds, buildings for the use of the library, and may sell at public or private sale any such property, when the same is no longer needed for library purposes, but no property shall be sold until after such sale has been advertised for at least two weeks before the date of sale.

173.

(1) The board of library trustees in any county shall have the following general powers and duties:

(a) To adopt bylaws for the conduct of its business, and to choose its own officers;

(b) To make reasonable rules and regulations for the use of the library;

(c) To have general control of the library staff, including powers of appointment, dismissal, and the fixing of salaries;

(d) To supervise the use of and have custody of all property used for library purposes;

(e) To develop library services throughout the county, by such means as stations, branch libraries, bookmobiles, and participation in or contracts for cooperative library services;

(f) To make annual reports as to the operation and conduct of the library as hereinafter prescribed;

(g) To perform all other acts necessary for the proper control of the library;

(h) In Prince George's County the county Board of Education and the county board of library trustees may enter into any agreement with each other concerning the use of any school grounds, buildings, facilities and personnel in furtherance of the county library purposes;

(2) The board of library trustees in any county shall have powers and duties as to finance, as follows:

(a) To receive all moneys and to control and make all expenditures from the public library fund, for the purposes of this subtitle;

(b) To receive and administer trusts, endowments, or bequests, adding the proceeds thereof to the public library fund or as provided by the trust;

(c) To recommend to the county commissioners the purchase, condemnation, rental, use, sale or conveyance of real and personal property, for any purpose valid under this subtitle; to select, with the approval of the county commissioners, the location, and make or approve plans for the erection of library buildings thereon;

(d) To enter into contracts for any library service, with any other library, with any governmental unit, or for any cooperative library services.

174.

The director shall be appointed by the board of library trustees, and must meet the standards set up by the State Board of Education. The director shall act as the general executive officer of the library and manage the normal operations thereof, according to the broad policies approved by the board of library trustees. He shall prepare the annual budget of the library, to be presented for approval to said board. He shall nominate for appointment, all clerical and professional employees in the county library and its branches, and no such employee shall be appointed by the board without a recommendation from the director. The director may promulgate reasonable rules and regulations for the use of the library and its branches, stations, and bookmobiles, subject to approval by the board of library trustees.

175A.

The State Superintendent of Schools shall certificate the professional personnel in all public libraries operating under this subtitle in accordance with this article and subject to the bylaws, rules and regulations of the State Board of Education. All appointees to the professional staff must hold a certificate of library qualifications issued by the State Board of Education.

175B.

Boards of library trustees shall have the power to adopt policies regarding staff classification, salaries, and benefits including, inter alia, vacation, sick leave and hours of work. In those counties where there is a local personnel or civil service agency having responsibility for personnel policies and practices for county government employees, the county board of library trustees shall utilize the services of such agency and request its advice in setting up personnel policies and procedures.

175C.

(a) The professional and clerical employees of any library established or operating under the provisions of this subtitle shall be included in the definition of "teacher" and "member," as said terms are defined respectively in subsections (3) and (4) of Section 190 of this article, and all such professional and clerical employees shall be entitled to all the rights and privileges and subject to all of the obligations of the Teachers' Retirement System as established and maintained under Sections 190 through 212, inclusive, of this article; provided, however, that each professional and clerical employee of the department of public libraries of Montgomery County may elect to transfer to the employees' retirement system of Montgomery County; and any such employee may elect to subsequently transfer to the Employees' Retirement System of the State of Maryland, other State retirement system, or the retirement system of a municipality or legislative body of the State of Maryland which is being operated on an actuarial basis with contributions being made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account.

(b) Beginning July 1, 1961, and continuing thereafter, the professional and clerical employees of the Enoch Pratt Free Library of Baltimore City shall be included in the definition of "teacher" as said term is defined in subsection (3) of Section 190 of this article for and in connection with any and all of the terms and provisions of Section 198(6) of this article.

(c) Notwithstanding any other provision of this article or other statute, the State of Maryland shall make contributions to the retirement and pension system, and contributions for the employer's share for social security, for the benefit of the professional and clerical employees of the Department of Public Libraries of Montgomery County and the Washington County Free Library in the same manner and to the same extent as such contributions are made for the professional and clerical employees for other county public libraries of this State under the terms and provisions of Section 198(6) of this article or other statute relating to such contributions. Contributions hereunder shall be made to the retirement system in which such employees are members. The State of Maryland shall continue to make such contributions for all professional and clerical employees of the Department of Public Libraries of Montgomery County after transfer to the employees' retirement system of Montgomery County or such other qualified retirement system as provided in subsection (a) of this section, as if such employees continued under the retirement system. Provided, however, that Montgomery

County shall provide by ordinance, resolution, rule or regulation that upon transfer of an employee the employers' and employees' contributions with credited interest shall be transferred from the employees' retirement system of Montgomery County to such other qualified retirement system.

175D.

The board of library trustees may suspend or dismiss without appeal any professional or clerical employee of any library established or operating under the provisions of this subtitle, on the written recommendation of the library director, for immorality, misconduct in office, insubordination, incompetency, or wilful neglect of duty, provided that the charges be stated in writing, and that such employee be given an opportunity to be heard by the board upon not less than ten days' notice; provided further that in all cases when the board is not unanimous in its decision to suspend or dismiss, the right of appeal shall lie to the State Superintendent of Schools.

176.

(a) Definitions.

(1) County. "County" includes Baltimore City.

(2) Population Figures. The population figures used in this section shall be those obtained from the federal decennial census and in the intervening years from estimates prepared by the Bureau of Vital Statistics of the State Department of Health.

(3) Taxable Wealth. "Taxable wealth" used in computing State aid herein shall be the assessable property in each county as Determined by the State Department of Assessments and Taxation.

(4) Expenditures in Which the State Shares. "Expenditures in which the State shares" shall be the current operating expenditures of approved public libraries participating in the cooperative program under the provisions of this section within the limits provided in subsection (c).

(5) Local and State Share of Cost of Cooperative Program. The taxable wealth of each county and of the State as a whole shall be divided by the population in each county and in the State as a whole, respectively, to obtain the wealth per capita in each county and in the State. The per capita wealth in each county shall be divided by the per capita wealth in the State as a whole to obtain the ratio of local wealth per capita to State wealth per capita. This ratio shall be multiplied by 70 percent to determine the local percentage share. The State's percentage share shall be obtained by subtracting the local percentage share from 100 percent. No participating county shall receive less State aid than 20 percent of the cost of the program in which the State shares. In making these computations the average local population and assessment data for the three preceding years shall be used.

(b) As of July 1, 1963, the beginning of the State's fiscal year 1964, and continuing thereafter, there is created a local-State cooperative program for the support and growth of public libraries, as in this section provided.

(c) For each county which elects to participate in the cooperative program, there shall be provided annually for the purposes of the minimum program for current expenditures of libraries from local and State funds, an amount for each resident of the county which is not less than one dollar and eighty cents (\$1.80). The State shall share in an expenditure of one dollar and eighty cents (\$1.80) per capita of approved public library service. Local tax sources shall include all monies appropriated to the Public Library Fund by the counties or participating municipalities.

Any county may provide an amount in excess of its share of the cooperative program, but the State shall not share in the excess.

Until June 30, 1968, counties shall have the option of operating under a cooperative program based on one dollar and twenty cents (\$1.20) per capita or one dollar and fifty cents (\$1.50) per capita or one dollar and eighty cents (\$1.80) per capita. After July 1, 1968, all counties, in order to participate in the cooperative program, shall base the program on one dollar and eighty cents (\$1.80) per capita.

(d) Of the entire cost of the cooperative program for approved public libraries for the State as a whole, the State shall appropriate approximately thirty percentum (30%) of the cost of the minimum program. The

counties participating in the program, in the aggregate, shall appropriate approximately seventy percentum (70%) of the entire cost throughout the State. For an individual county, the percentage of local support for the cooperative program in which the State shares in no event shall exceed eighty percentum (80%) and the percentage of State support in no event shall be less than twenty percentum (20%) of the cost of the minimum program.

(e) The amount of a county's contribution to the cooperative program is determined by the following computation:

$$\frac{\text{assessment valuation per capita for the county}}{\text{assessment valuation per capita for the State}} = X \text{ ratio,}$$

which is multiplied by 70; and this product is the percentage of the total cost which is to be paid by the county. The remaining percentage of the total cost is the State's share and shall be paid by the State. The total cost in any county is the product of its population multiplied by the appropriate amount per capita as provided in this section. Any county may provide an amount in excess of its share of the minimum program, but the State shall not share in the excess.

(f) The appropriate officials of the several counties and of participating municipalities may levy for and appropriate the necessary monies as specified in this section. These monies plus the State's contribution to that county shall be designated as the Public Library Fund. Any funds appropriated and available for the current expenses of libraries, as of July 1, 1963, are a credit toward the required annual appropriation for that county.

(g) The State Superintendent of Schools shall authorize the payment to the county board of library trustees of any county in which a library shall be established or operating under this subtitle, of those funds subject to its order to which the county and the library may be entitled, and such funds shall be added to the Public Library Fund. The State Superintendent of Schools shall require that all such funds be used subject to any conditions specified by the appropriating agency or imposed consistently with this subtitle.

The State Superintendent of Schools is directed to authorize the Comptroller to withhold State funds from any county which fails to levy the amount of its share of the minimum program prescribed by law or which fails to meet the requirements of the law or of the State Board of Education regarding the operation of the county library.

(h) Libraries in operation before January 1, 1945, whose boards, by the terms of their charters or articles of incorporation are self-perpetuating or otherwise specifically constituted, shall be deemed eligible for all benefits specified in this subtitle provided they meet all other requirements under this subtitle and their boards may continue to be constituted as they are at the present time.

177.

(a) A Public Library Incentive Fund is created as of July 1, 1964, for the purpose of granting aid to the counties and the City of Baltimore to finance debt service and/or pay-as-you-go capital outlay expenditures for the purchase of land for libraries, the purchase and construction of library buildings, remodeling and adding to library buildings, and the purchase of equipment and furniture for such library buildings. "Debt service" for the purposes of this section is the term used to describe the interest and amortization charges paid annually over a period of years to retire bonds issued for such purposes.

(b) Each of the counties and the City of Baltimore shall participate in any year in the Public Library Incentive Fund created by this section if it levies for that year, for the purposes specified in subsection (a) of this section, one-half cent ($\frac{1}{2}\text{¢}$) on each hundred dollars of the valuation of property assessable at the full rate for county purposes for the previous year as reported by the State Department of Assessments and Taxation. Funds received by a board of county commissioners, or county council, or the mayor and city council of Baltimore, from any source other than the State of Maryland, and applied to the purposes specified in subsection (a) of this section, shall be treated for the purposes of this section as having been levied on the tax rate of the county or city.

(c) *The Public Library Incentive Fund to be included in the State budget and paid to the board of county commissioners, county council, or the mayor and city council of Baltimore, shall be the difference between (1) the sum of fifty cents (50¢) multiplied by the population in each county or the City of Baltimore, the population figures used in such determination to be based on the latest federal census and in intervening years, on estimates of the Division of Vital Statistics of the Department of Health and Mental Hygiene, as of April 1 of the previous calendar year, and (2) the amount realized by the levy of one-half ($\frac{1}{2}$ ¢) in each of the counties and the City of Baltimore for the purposes specified in subsection (a) of this section.*

(d) *If the board of county commissioners, county council, or the mayor and city council of Baltimore levy only a fractional part of one-half ($\frac{1}{2}$ ¢) for the purposes specified in subsection (a) of this section, the Public Library Incentive Fund shall be an amount equal to the difference between (1) the same fractional part of fifty cents (50¢) multiplied by the population in each county or the City of Baltimore as defined in subsection (c) of this section, and (2) the amount realized from the levy of the fractional part of one-half cent ($\frac{1}{2}$ ¢) as set forth in the subsection (b) of this section.*

(e) *The Public Library Incentive Fund payment due each county and the City of Baltimore shall be paid to and allocated by the board of county commissioners, county council, or mayor and city council of Baltimore, to take care of the annual requirements of existing or new debt service, or for expenditure or accumulation toward capital outlay on a pay-as-you-go basis, for the purposes specified in subsection (a) of this section.*

(f) *Notwithstanding any other provision of this section to the contrary, each of the counties and the City of Baltimore shall participate in the Public Library Incentive Fund created by this section if it expends funds previously accumulated from sources permissible under subsection (b) of this section for the purposes specified in subsection (a) of this section. The Public Library Incentive Fund to be included in the State budget and paid to the board of county commissioners, county council, or the mayor and city council of Baltimore under this subsection shall be calculated as follows: (i) The amount actually expended by the counties or city under this subsection shall be divided by the sum of fifty cents (50¢) multiplied by the population in said county or city, the quotient being deemed to be the number of years of accumulation of the funds so expended; (ii) if the quotient contains a fraction, it shall be rounded off to the nearest whole number; (iii) for the number of years equal to the said quotient, as rounded off, commencing with the year in which the total actual expenditure was made, there shall be paid to the board of county commissioners, county council, or the mayor and city council of Baltimore, in each of said years, an amount determined in accordance with the formula provided in subsection (c) of this section.*

178A.

All money, levied and collected by the several counties and all other funds paid to said respective counties by the State or any federal agency or received from any other source whatsoever, for library purposes or uses, shall be deposited to the credit of the library fund and shall be kept separate and apart from all other funds of such county and be paid out only on the order of the board of library trustees, or on order of the librarian in such form and under such conditions as said trustees may by rules and regulations prescribe.

178B.

The State Board of Education is hereby authorized to accept for the State of Maryland any appropriation of money and/or materials for any library purposes which may hereafter be made from the federal treasury or from federal property, by any act or acts of the Congress of the United States, or pursuant thereto, or from any other source. The State Board of Education is hereby constituted the agency for the expenditures and administration of any such funds or materials.

All such moneys received by the State shall be deposited in the State treasury. The Treasurer shall receive and provide for the custody of such moneys, and shall make disbursements therefrom for the purposes of this subtitle in the same manner as he disburses other funds for the State Department of Education.

178C.

The board of library trustees may receive, hold and possess, or sell and dispose of, all such gifts, donations, devises, bequests, and legacies as may be made to the county commissioners, or said trustees, for the

purpose of establishing, constructing, increasing, or improving such public library. In all such cases, the said board of library trustees shall act as trustees and shall have control of such gifts, devises, bequests, and legacies, and may apply the proceeds, interests, rents, and profits accruing therefrom, in such manner as will best promote the usefulness of such library, provided, however, that the application of such proceeds, interests, rents, and profits accruing therefrom shall be according to the terms and conditions of such gifts, donations, devises, bequests, and legacies. The treasurer of the board of library trustees must be adequately bonded.

179.

All real estate acquired for the use and benefit of any library and reading room established as aforesaid, and all property that shall be a part of any such library and reading room shall be exempt from all State, county and municipal taxation.

180A.

Each board of library trustees shall hereafter provide for at least an annual audit of its business and financial transactions and of the accounts of its treasurer by an accountant or accountants, approved by the State Superintendent of Schools, and the results of this audit shall be made public by the board of library trustees.

180B.

Each board of library trustees shall make an annual report to the county commissioners and the State Superintendent of Schools within thirty days after the close of the fiscal year of the county. The report shall contain a statement showing the various sums of money received from the library fund and other sources, and the itemized expenditures; the number of books, periodicals, and such other information as the State Board of Education shall prescribe.

181.

Every library established or operating under this subtitle shall receive from the State a copy of the laws, journals, and other books published by authority of the State, except the Maryland Law Reports.

182.

Every person who shall steal or unlawfully take or detain, or who shall mutilate, injure or disfigure by writing, marking, cutting, tearing, or otherwise, any book, map, picture, engraving, manuscript, or other property of any public library, circulating library, or library belonging to the State of Maryland, or to any municipality, or public body, or incorporated institution, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than one hundred dollars, said fine to be used for the benefit of the library, or be imprisoned for not more than three months, or, in the discretion of the court, may be both fined and imprisoned as aforesaid.

SECTION 2. *And Be It Further Enacted*, That any and all other laws enacted by the 1971 Regular Session of the General Assembly to amend, change, or add to the sections of Article 77 of the Annotated Code of Maryland pertaining to public libraries, as this Article appears in the 1969 Replacement Volume and 1970 Cumulative Supplement, shall be construed as laws enacted by the General Assembly and shall prevail over anything inconsistent therewith in this Act. It is the legislative intent that all such separate acts shall be effective according to the legislative intent in the enactment thereof. All such separate acts shall be incorporated into and codified with the provisions of this Act if such incorporation and codification are reasonably possible.

SECTION 3. *And Be It Further Enacted*, That this Act shall take effect July 1, 1971.

I
A BILL
ENTITLED

AN ACT to repeal Sections 184 to 187, inclusive, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," and to renumber Sections 188 and 189 as Sections 183 and 184, respectively, to promote a more unified and stronger statewide system of public libraries by the elimination of the exemptions of certain library systems from the State laws and to recodify certain sections.

* * * * *

SECTION 1. *Be It Enacted by the General Assembly of Maryland,* That Sections 184 to 187, inclusive, of Article 77 of the Annotated Code of Maryland (1969 Replacement Volume), title "Public Education," subtitle "Public Libraries," be and they are hereby repealed; and that Sections 188 and 189 of said title and subtitle be and they are hereby renumbered as Sections 183 and 184, respectively, all to read as follows:

((184. The mayor and city council of Baltimore shall be entitled to benefits under § 182 (b) of this article for the purchase of books for the Enoch Pratt Free Library in the same manner and to the same extent as any county having a population of over 200,000 persons, provided it meets the financial standard as provided in § 182, but the mayor and city council of Baltimore and the Enoch Pratt Free Library, and the County Commissioners of Washington County and the Washington County Free Library and the County Commissioners of Talbot County and any public library of said county, and the funds allotted to either of them hereunder shall be exempt from the supervision of the State Superintendent of Schools and the division of library extension; and the qualifications of the employees of the Enoch Pratt Free Library shall be those which may be established by the trustees of said library; and the Enoch Pratt Free Library shall be the agency for the expenditure and administration of that portion of funds or materials received from the federal government which may be allocated to the mayor and city council of Baltimore by the State Board of Education; and the Enoch Pratt Free Library shall be exempt from the provisions of §§ 171 to 175, inclusive, § 176 (a) and §§ 177 to 181, inclusive, of this article.))

((185. The Washington County Free Library shall be entitled to benefits under §182 or § 167 of this article provided the annual grants from the County Commissioners of Washington County and from the mayor and council of Hagerstown shall produce an aggregate income available for the support of said institution equal to or exceeding the financial standard as provided in whichever of said §§182 or 167 of this subtitle such benefits are provided, but the Washington County Free Library and the funds allocated to it hereunder shall be exempt from the supervision of the State Superintendent of Schools and the division of library extension; and the qualifications of the employees of the Washington County Free Library shall be those which may be established by the trustees of said Library; and the Washington County Free Library shall be the agency for the expenditure and administration of that portion of funds or materials received from the federal government for library purposes which may be allocated to the County Commissioners of Washington County by the State Board of Education. The Washington County Free Library shall also be entitled to the benefits provided by §168 of this article and shall be the agency for the expenditure and administration of any funds received by the Board of County Commissioners of Washington County pursuant to the provisions of said § 168. With the exception of § 176 (c) of this article, the Washington County Free Library shall be exempt from the provisions of §§171 to 180, inclusive, of this article.))

((186. The department of public libraries of Montgomery County shall be entitled to the benefits provided by § 182 of this article for the purchase of books, provided that the county council for Montgomery County shall appropriate for the support of said department a sum equal to

or in excess of the amount set forth in § 182 (a) of this article, and the department of public libraries of Montgomery County and the funds allocated to Montgomery County hereunder for said department shall not be subject to the supervision of the State Superintendent of Schools or the division of library extension; and the qualifications of the employees of the department of public libraries of Montgomery County shall be those which may be established by the county personnel board of Montgomery County; and the department of public libraries of Montgomery County shall be the agency for the expenditure and administration of the funds or materials received from the federal government for library purposes which may be allocated to Montgomery County by the public board of education, and the department of public libraries of Montgomery County shall be exempt from the provisions of §§163 to 180, inclusive, of this article, except § 176 (c) and as otherwise hereinabove provided.))

((187. The C. Burr Artz Library of Frederick shall be entitled to benefits under § 182 of this article for the C. Burr Artz Library of Frederick, provided that the annual grants from the County Commissioners of Frederick County and the City of Frederick, a municipal corporation, shall produce an aggregate annual income available for the support of said institution equal to or exceeding the financial standard as provided in § 182 of this subtitle, but the C. Burr Artz Library of Frederick and the funds allotted to it hereunder shall be exempt from the supervision of the State Superintendent of Schools and the division of library extension; and the qualifications of the employees of the C. Burr Artz Library of Frederick shall be those which may be established by the trustees of said library; and the C. Burr Artz Library of Frederick shall be the agency for the expenditure and administration of that portion of funds or materials received from the federal government for library purposes which may be allocated to the County Commissioners of Frederick County by the State Board of Education, and the C. Burr Artz Library of Frederick shall be exempt from the provisions of §§ 171 to 181, inclusive, of this article.))

((188.)) 183.

The Board of County Commissioners of Harford County may borrow funds for paying part or all of the capital construction costs of public library buildings in Harford County; and they may issue bonds, notes, or other evidence of indebtedness for the repayment of any such borrowed funds, and may levy for payments of principal and of interest on these evidences of indebtedness.

((189.)) 184.

The Board of County Commissioners of St. Mary's County may borrow funds for paying part or all of the capital construction costs or of the costs of preservation for public libraries in St. Mary's County; and they may issue bonds, notes, or other evidences of indebtedness for the repayment of any such borrowed funds, and may levy for payments of principal and of interest on these evidences of indebtedness.

SECTION 2. *And Be It Further Enacted*, That any and all other laws enacted by the 1971 Regular Session of the General Assembly to amend, change, or add to the sections of Article 77 of the Annotated Code of Maryland pertaining to public libraries, as this Article appears in the 1969 Replacement Volume and 1970 Cumulative Supplement, shall be construed as laws enacted by the General Assembly and shall prevail over anything inconsistent therewith in this Act. It is the legislative intent that all such separate acts shall be effective according to the legislative intent in the enactment thereof. All such separate acts shall be incorporated into and codified with the provisions of this Act if such incorporation and codification are reasonably possible.

SECTION 3. *And Be It Further Enacted*, That this Act shall take effect July 1, 1971.

